United States Senate
WASHINGTON, DC 20510

September 23, 2026

Secretary Linda McMahon
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary McMahon,

We write in opposition to the proposed rule, "Education Department General Administrative Regulations" (EDGAR) (Docket ID ED-2026-OPEPD-2542),[1] which would make fundamental changes to the administration of formula and competitive grants Congress has authorized and funded through the U.S. Department of Education ("the Department"). This proposed rule is unnecessarily broad and vague, would undermine the stability of educational programs, and does nothing to improve educational outcomes for students. As the Trump Administration continues its illegal attempt to dismantle the Department, this proposed rule will only serve to increase chaos and uncertainty for schools, states, institutions of higher education and families across the country.

One of the key functions of the Department is to award and administer both formula and competitive grants. These grants range from Title I-A, which provide additional funding for elementary and secondary education programs serving students from low-income communities, to TRIO grants providing support to first generation college students, to Innovative Approaches to Literacy grants which promote literacy programs in low-income communities, and every education stage in-between. The funding provided to the Department for programs authorized by Congress is essential to ensure schools and communities across the country are able to provide every child, regardless of their zip code, a high-quality education.

<u>Political Interference in Grant Awards and Administration</u>

The proposed rule (Section 75.901) would give the Department free rein to end already awarded grants "for convenience," without substantive reason or justification or connection to performance under a grant. Grants provided by the Department frequently support multiyear

[1] Education Department General Administrative Regulations, 91 Fed. Reg. 54666 (proposed Aug. 24, 2026).

contracts involving the hiring of staff who provide services to students, research activities, and commitments to students and families that cannot be easily unwound. Schools and other grant recipients need a meaningful degree of certainty to properly plan their budgets and provide services to students. Broad, unwarranted termination and discontinuation authority makes it difficult, if not impossible, for recipients to responsibly plan and spend these funds. In section 75.253(c), the proposal also would remove a priority to continue previously awarded grants over awarding new grants. These changes will increase funding uncertainty which may discourage recipients from undertaking ambitious projects.

The proposed indirect-cost provision (section 75.228) will only add to this financial instability and uncertainty. This proposal could create a race to the bottom with an incentive structure where applicants are not encouraged to create programs based on value and merit but instead based on how much institutional costs they can absorb themselves. This will disadvantage entities that are not well-resourced, such as entities in rural communities or on tribal lands. Furthermore, lowering the amount of funds that can be used on indirect costs will not actually lower those costs for programs. Capping the amount of funds will not lower the cost of rent or electricity for an after-school program or a rural college serving first-generation students.

Undermining Congressional Intent in Serving Underserved Students and Communities

The General Education Provisions Act (GEPA) governs the administration of the Department and its grant programs. Section 427(b) of GEPA requires the Secretary to ensure each applicant for federal education funding describe how the applicant will ensure equitable access and participation to all students and teachers in federally funded education programs including "based on gender, race, color, national origin, disability, and age."[2] This demonstrates a clear Congressional intent that federal education programs help provide assistance to students and communities that have been historically underserved in our nation, including students of color, students with disabilities, English learners, and LGBT students. This proposed rule would further gut the intent of GEPA Sec. 427, which the Department has undermined by not renewing the information collection it previously collected from its applicants for grant programs.

Section 75.210(d) of the proposal weakens compliance by removing the current EDGAR requirement for the Secretary to consider equitable and adequate access on the basis of economic disadvantage, gender, race, ethnicity, color, national origin, disability, age, language, migration, living in a rural location, experiencing homelessness or housing insecurity, involvement in the justice system, pregnancy, parenting or caregiver status, and sexual orientation. In addition to section 427 of GEPA, many federal laws[3] authorized on a bipartisan basis direct federal education programs to focus on many of these underserved student populations. Removing this

[2] 20 U.S.C. section 1228a(b).

[3] Including the Elementary and Secondary Education Act (ESEA), the Individuals with Disabilities Act (IDEA), the Higher Education Act (HEA), and the Carl Perkins Career and Technical Education Act (Perkins).

provision from EDGAR goes against Congressional intent not only in GEPA, but in these core foundational education laws.

This Proposed Rule Will Lead to a Weaker Evidence Base for Education Programs

The proposed rule also suggests a number of changes that would weaken evidence standards that govern Department programs. In changes detailed in section 77.1(c), the proposed rule would permit unknown, non-governmental organizations to determine whether grantees' strategies and interventions meet the different levels of evidence established in EDGAR. This would break from how evidence standards are determined now by IES through a transparent and rigorous process. This could result in these important evidence standards being applied inconsistently within grant competitions. The evidence standards established in federal legislation and implementing regulations are critical to ensuring limited federal funds are spent on meaningful interventions that improve student outcomes. We are concerned that such goals are undermined by having unknown third parties judge applicants' grant applications for whether or not they meet such evidence standards without a clear, rigorous, consistent, and transparent evaluation process.

We know high-quality education has the ability to raise families out of poverty and meaningfully improve future earnings. However, at a time when student achievement is falling and families are struggling with rising costs, this proposed rule only serves to undermine efforts to improve outcomes for students and raise costs by creating financial uncertainty for schools and educational programs. This damage and uncertainty will only hurt student populations that federal funding intended to support.

We urge you to withdraw the proposed rule.

Sincerely,

Tammy Baldwin
Ranking Member
Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies

Jeffrey A. Merkley
United States Senator
Ranking Member, Committee on Budget

Patty Murray
Vice Chair
Senate Committee on Appropriations

Richard J. Durbin
United States Senator

Mazie K. Hirono
United States Senator

Tim Kaine
United States Senator

Andy Kim
United States Senator

Tammy Duckworth
United States Senator

Richard Blumenthal
United States Senator

Chris Van Hollen
United States Senator

Edward J. Markey
United States Senator

Brian Schatz
United States Senator

Angela D. Alsobrooks
United States Senator

Jack Reed
United States Senator

Michael F. Bennet
United States Senator

Lisa Blunt Rochester
United States Senator

Adam B. Schiff
United States Senator

Ron Wyden
United States Senator

Kirsten Gillibrand
United States Senator

Bernard Sanders
United States Senator

Elizabeth Warren
United States Senator

Alex Padilla
United States Senator

Ruben Gallego
United States Senator

Christopher A. Coons
United States Senator

Sheldon Whitehouse
United States Senator

Charles E. Schumer
United States Senator

Mark Kelly
United States Senator